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Attorney for Plaintiff  
PATRICIA CLAIRE BANKSTON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

PATRICIA CLAIRE BANKSTON,

Plaintiff,

v.

PATENAUDE & FELIX, A  
PROFESSIONAL CORPORATION, a  
California corporation, and RAYMOND  
ALCIDE PATENAUDE, individually and  
in his official capacity,

Defendants.

Case No. C07-03396-JW-PVT

**MOTION FOR ATTORNEY  
FEES AND COSTS**

Hearing Judge: Honorable Patricia V.  
Trumbull  
Hearing Date: September 2, 2008  
Hearing Time: 10:00 a.m.  
Courtroom: 5, 4th Floor  
Place: 280 South First Street  
San Jose, California

COMES NOW the Plaintiff, PATRICIA CLAIRE BANKSTON, by and through counsel Fred W. Schwinn of the Consumer Law Center, Inc., and hereby moves this Honorable Court for an award of reasonable attorney fees and costs pursuant to the Judgment (Doc. 29) and Order of Reference (Doc. 37) entered in this case. In support of her Motion, Plaintiff states the following:

1. Plaintiff herein was represented by Fred W. Schwinn of the Consumer Law Center, Inc.

2. On or about June 13, 2008, this Court entered a Judgment in favor of Plaintiff in this case. The Judgment awarded Plaintiff the amount of \$250 plus reasonable attorney fees and costs incurred in representing Plaintiff in this matter.

3. Plaintiff's attorney, Fred W. Schwinn and his staff at the Consumer Law Center, Inc., have expended 32.5 hours on behalf of Plaintiff in this matter. An itemized accounting

1 of the time spent is attached to the Declaration of Fred W. Schwinn in Support of Motion for Award  
2 of Attorney Fees which is being filed herewith.

3 4. The prevailing market rate for the time and quality of services provided by  
4 Fred W. Schwinn of the Consumer Law Center, Inc., is \$300.00 per hour.

5 5. The prevailing market rate for the time and quality of services provided by  
6 Jovanna R. Longo of the Consumer Law Center, Inc., is \$125.00 per hour.

7 6. For the time spent representing Plaintiff in this matter, the Consumer Law  
8 Center, Inc., requests attorney fees in the amount of \$8,372.50 and non-taxable costs and expenses  
9 in the amount of \$58.62.

10 7. Plaintiff further refers the Court to her Memorandum in Support filed  
11 simultaneously herewith.

12 WHEREFORE, Plaintiff requests this Honorable Court award attorney fees to Plaintiff in  
13 the amount of \$8,372.50, reasonable non-taxable costs in the amount of \$58.62 in addition to the  
14 taxable costs awarded by the court clerk in the amount of \$521.50.

15  
16 Dated: July 29, 2008

CONSUMER LAW CENTER, INC.

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18 By: /s/ Fred W. Schwinn  
19 Fred W. Schwinn, Esq.  
20 Attorney for Plaintiff  
21 PATRICIA CLAIRE BANKSTON  
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